

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Klaus SCHWUNG et al.

Group Art Unit: 4145

Application No.: 10/509,875

Examiner: A. SYKES

Filed: June 3, 2005

Docket No.: 121059

For: COMPOSITE MATERIAL, METHOD OF PRODUCTION AND USES THEREOF

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the April 15, 2008 Restriction Requirement, Applicants provisionally elect Group I, claims 1-5 and 12-16, with traverse.

Applicants first point out an error in the Restriction Requirement. In particular, on page 2 of the Restriction Requirement, in summarizing the alleged special technical feature of the claims of Group I, the Patent Office alleged that Group I required a proportion of polyphenylene sulfide relative to uncoated reinforcing fibers of "0.002 to 0.009" percent by weight. This is incorrect, as claim 1 of the present application clearly requires this proportion to be "0.001 to < 0.01" percent by weight.

The Patent Office alleged that the proportion of polyphenylene sulfide relative to uncoated reinforcing fibers in the coating of the reinforcing fibers recited in claim 1 was a special technical feature of Group I allegedly missing from Group II. However, the proportion recited in claim 1 is identically recited in step b) of claim 6 of Group II, and thus

this alleged special technical feature is not missing from Group II as erroneously indicated in the Restriction Requirement.

The Patent Office also alleges that the claims of Group II include a special technical feature of pretreating the carbon reinforcing fibers by electrochemical oxidation, a feature allegedly missing from Group I. However, contrary to the assertions in the Restriction Requirement, step a) of claim 6 does not require any pretreatment, as claim 6 specifically recites that the pretreatment is optional. Claim 6 further does not specify any kind of pretreatment, contrary to the indication in the Restriction Requirement that the pretreatment must be an electrochemical pretreatment. The optional pretreatment of step a) clearly is not a special technical feature of Group II missing from Group I.

Moreover, even if the optional pretreatment in claim 6 of Group II is considered a special technical feature, nothing in claim 1 of Group I precludes the reinforcing fibers of the composite material from similarly being pretreated. Thus, contrary to the assertions in the Restriction Requirement, Group I is not missing this alleged special technical feature of Group II.


For all the foregoing reasons, unity of invention clearly has not been established to be lacking between the claims of Group I and the claims of Group II. A proper Restriction Requirement has thus not been established, and the Restriction Requirement should be withdrawn.

It is also respectfully submitted that the subject matter of all claims 1-16 is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the

merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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